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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,779	08/17/2001	Yasuhisa Nakajima	SONYJP 3.0-203	3668
530 7590 07/18/2007 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER VENT, JAMIE J	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 07/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/931,779

Applicant(s)

NAKAJIMA, YASUHISA

Examiner

Jamie Vent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30,32,36 and 40-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30,32,36,40-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 14, 2007 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 30, 32, 33, 40-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saitoh et al (US 6,839,851) in view of Ogino (US 6,381,262) in further view Gruse et al (US 6,389,538) in further view of Vallone et al (US 6,847,778).

#### **[claim 30]**

In regard to Claim 30, Saitoh et al discloses an information processing apparatus,

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comprising:

- a processor, the processor being operable to control input of first data associated with content data to be broadcast by digital broadcast transmission (Figure 4 microcomputer 414 control the input of the digital broadcast as further described in Column 3 Lines 60+);
- generating first control information, the first control information specifying at least one condition selected from the group consisting of:
  - a) a time interval from the time of recording the content data (Column 2 Lines 60+ describes the time interval from the time of recording content);
  - (b) a permitted number of times for copying the content data (Column 3 Lines 25+ describes the permitted number of times for copying (i.e. copy once, copy freely, no copy)).
  - (c) a permitted number of times for reproducing the content data (Column 5 Lines 35+ describes the permitted number of times that the content can be reproduced as further seen in Figure 3);
- multiplexing the content data with the control message by a first information processing apparatus to produce multiplexed data and transmitting the multiplexed data via the digital broadcast transmission (Figure 5 shows the content data that is multiplexed and transmitted through the digital broadcast transmission as further described in Column 5 Lines 10+);

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- receiving and demultiplexing the multiplexed data by a second information processing apparatus to receive the first control information and the content data (Figure 3 shows the receiving and demultiplexing of the data by the second information apparatus);
  - recording the received content data onto a recording medium by the second information processing apparatus (Figure 3 shows the recording of the received content as further described in Column 3 Lines 25-37);
- however, fails to specifically disclose an inserting the first control information into a control message and deleting the content data from the recording medium by the second information processing apparatus when the at least one condition specified by the first control information is met and control information regarding a time interval extending from the time the content data is recorded onto the recording medium.

Ogino discloses an information signal-processing unit wherein additional information is added to the control message as disclosed in Column 2 Lines 65+ through Column 3 Lines 1-7. The inserting of the control information allows for further control of the information for copy protection methods. Additionally, Saitoh et al discloses an information processing unit wherein deletion of content is done depending on the control information as seen in Figure 6 and further described in Column 5 Lines 55+; however, fails to specifically state that the deleting of the content is from the recording medium.

Ogino discloses a system wherein the content is deleted from the recording medium, as discussed in Column 3 Lines 1-25, which allows for proper removal of unwanted content

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from the recording medium; however fails to specifically disclose the control information specifies at least one condition to be selected (i.e. time interval, permitted number of times for reproducing content, and permitted times for copying content). Gruse et al discloses a system wherein the end user is tracked for electronic content usage through and thereby allows for rights management of the content data to be managed. As described in Column 9 Lines 57+ through Column 10 Lines 1-50 the control information selects content data based on time intervals, permitted number times of copying and reproducing which allows for the rights of the content data to be protected and controlled properly. It is further taught by Vallone et al the ability to delete the content based on user information regarding how much time the program should be kept as seen in Figure 18 element 1802 "Save Until." The command save until allows the user to determine how long the program will be kept for as disclosed in Column 23 Lines 10-20. This process of determining time allocated to a particular program further teaches the ability of content rights management through the user having control of the system and thereby providing a more efficient system for storage.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the information processing system, as disclosed by Saitoh et al, and further incorporate an information processing unit wherein the inserting of the first control information into a control message and deleting of the content data from the recording medium according to information that is provided, as disclosed by Ogino, and further incorporating the control information specifying at least one condition of the content data being time interval or permitted number times of copying and reproducing,

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as disclosed by Gruse et al, and further incorporate a system that allows for the deletion of programs based on a user selected time parameter, as disclosed by Vallone.

**[claims 32, 40, & 42]**

In regard to Claims 32, 40, and 42 Saitoh et al discloses an information processing apparatus according to wherein the first control information specifies charging value to be divided in relation to a number when the content data is reproduced an nth time (Column 3 Lines 10-25 describes the charging for reproducing the content data).

**[claims 33 & 45]**

In regard to Claims 33 and 45, Saitoh et al discloses an information processing apparatus according to claim wherein the first control information specifies the time interval being at least one of (a) measured from the time of recording the content data from the digital broadcast transmission, as indicated directly by the content data (Column 5 Lines 10-35 describes the time interval from the time of recording content to deletion); and (b) measured from a time at which the content data is copied a permitted number of times (Column 3 Lines 5-35 describes the number of permitted times the content is to be copied).

**[claim 41]**

In regard to Claim 41, Saitoh et al discloses an information processing apparatus, as disclosed in Claim 30, with the additional limitation of a receiver operable to receive a digital broadcast transmission and demultiplex the received transmission onto the content data and first control information (Figure 1 digital tuner 100 receivers digital broadcast information).

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**[claim 43]**

In regard to Claim 43, Saitoh et al discloses an information processing apparatus wherein the at least one condition specified by the first control information includes the permitted number of times for reproducing the content data, and the first control information specifies a charging value to be divided in relation to a number  $n$  when the content data is reproduced an  $n$ th time (Column 3 Lines 10-25 describes the charging for reproducing the content data wherein the charging value is divided  $n$  times for various reproduction cycles).

**[claim 44]**

In regard to Claim 44, Saitoh et al discloses an information processing apparatus wherein the first control information specifies the time interval in relation to at least one (a) the time of recording the content data from digital broadcast transmission (Column 2 Lines 60+); (b) the time of copying the content data a first time from the permitted number of times for copying the content data (Column 3 Lines 25+ describes the permitted number of times for copying (i.e. copy once, copy freely, no copy)); or (c) the time of reproducing the content data a first time from the permitted number of times for reproducing the content data (Column 3 Lines 25+ describes the time of the reproducing the content data with the permitted number times of reproduction).

**[claims 46 & 51]**

In regard to Claims 46 and 51, Saitoh et al discloses an information processing method as previously recited in Claim 41, with the additional limitation of deleting the content



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data from the recording medium when at least one condition is specified by the recorded first control information is met.

**[claims 47 & 52]**

In regard to Claims 47 and 52, Saitoh et al discloses an information processing method as previously recited in Claim 42.

**[claims 48 & 53]**

In regard to Claims 48 and 53, Saitoh et al discloses an information processing method as previously recited in Claim 43.

**[claims 49 & 54]**

In regard to Claims 49 and 54, Saitoh et al discloses an information processing method as previously recited in Claim 44.

**[claims 50 & 55]**

In regard to Claims 50 and 55, Saitoh et al discloses an information processing method as previously recited in Claim 45.

4. Claim 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saitoh et al (US 6,839,851) in view Ogino (US 6,381,262) in further view of Gruse et al (US 6,389,538) in further view further view of Vallone et al (US 6,847,778) in further view of Kato et al (US 6,470,496).

**[claims 34]**

In regard to Claim 34, Saitoh et al in view of Ogino in view of Gruse et al discloses an information processing apparatus; however, fails to discloses wherein the control message includes an ECM (Entitlement Control Message) and the information

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processing apparatus further includes an encoder operable to code the content data and to multiplex the encoded content data with the ECM via an MPEG (Motion Picture Experts Group 2) transport stream.

Kato et al discloses a system wherein the control message includes an ECM message and furthermore includes an encoder operable to code the content data and to multiplex the encoded content data with the ECM via an MPEG 2 Transport stream as seen in Figure 1 and further described in Column 1 Lines 27-57. By providing the first control information into the ECM section of the MPEG 2 transport stream allows for the decrypting encrypted information to be provided as well as information such as the following: word key, scramble keys, date and time information, and recording control information, which is provided throughout the system in order to access the reproducing of content. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the information processing apparatus, as disclosed by Saitoh et al in view of Ogino, and further incorporate a system which includes control messaging in the ECM, as further described in Kato et al.

5. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saitoh et al (US 6,839,851) in view Ogino (US 6,381,262) in further view of Gruse et al (US 6,389,538) further view of Vallone et al (US 6,847,778) in further view of Kato et al (US 6,470,496) in further view of Sonoda et al (US 6,622,004).

**[claims 35 & 36]**

In regard to Claims 35 and 36, Saitoh et al in view of Kato et al in view of Ogino in view of Gruse, discloses an information processing apparatus according to claim 24;

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however, fails to disclose that the encoder is operable to multiplex the encoded content data in a carousel manner and the control message includes information inserted into an adaptation header of a DII (Download Info Indication) packet of the transport stream.

Sonoda et al discloses a system wherein the encoding of the content data is done in a carousel manner and the control message includes the download info indication packet as further described in Column 16 Lines 15+. The transmitting of packets in the carousel manner allows for selectively receiving of data and the placement of control information through the DII packet allows for an easier processing by the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the information processing apparatus, as disclosed by Saithoh et al in view of Ogino in further view of Kato et al, and further incorporate a system wherein the encoding is done in a carousel manner and includes information into the adaptation header of the DII, as disclosed by Sonoda et al.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Walker et al (US 5,054,064);
- Vogel (US 4,930,158);
- Harvey et al (US 4,704,725); and
- Fujiki (US 6,061,319).

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***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jamie Vent



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